



IN THE UNITED STATES  
PATENT AND TRADEMARK OFFICE

2654  
41

PATENT APPLICATION

Cheng-Chieh Lee

CASE 4

Serial No. 09/672511

Group Art Unit 2654

Filed September 28, 2000

Examiner A. Armstrong

Title Method And Apparatus For Diversity Control In Multiple Description Voice Communication

COMMISSIONER FOR PATENTS  
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Enclosed is an Election Of Species in the above-identified application.

Technology Center 2600

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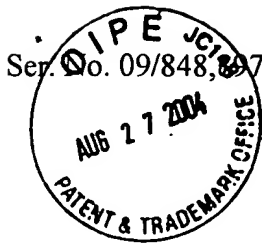
Respectfully,

Kenneth M. Brown, Attorney  
Reg. No. 37590  
908-582-5998.

Date: 8/24/04

Docket Administrator (Room 3J-219)  
Lucent Technologies Inc.  
101 Crawfords Corner Road  
Holmdel, NJ 07733-3030

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IN THE UNITED STATES  
PATENT AND TRADEMARK OFFICE

**Patent Application**

Inventor(s) Cheng-Chieh Lee  
Case 4  
Serial No. 09/672,511 Group Art Unit 2654  
Filing Date September 28, 2000  
Examiner Angela A Armstrong  
Title Method And Apparatus For Diversity Control In Multiple Description  
Voice Communication

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**ELECTION OF SPECIES**

In connection with the above-referenced patent application and in response to the Office Action dated August 9, 2004 in connection therewith, Applicant hereby provisionally elects with traverse the "species" which has been identified by the Examiner as the species directed to "encoders, decoders, and encoding methods implementing first and second quantization each comprising a pulse code modulation scheme" for prosecution on the merits. In accordance with this provisional election, Applicant hereby identifies claims 6, 7, 17, 23, 29, 38, 39, 49, 55 and 61 as directly readable on this elected "species."

However, Applicant further wishes to make two additional points by way of traversal:

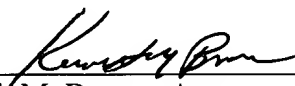
First, even though the Examiner identified only claims 5, 16, 21, 27, 37, 48, 53 and 59 as being generic, claims 1, 14, 33 and 46 are necessarily also generic by nature of the fact that claims 5, 16, 37 and 48, respectively, (which the Examiner *has* identified as generic claims) depend directly therefrom. Therefore, Applicant hereby submits that all generic claims – including claims 1, 14, 33 and 46 – should be fully examined (along with the claims identified as being readable on the elected species) at this time.

And second, Applicant submits that the instant requirement for an election of a single species is improper because a number of additional claims not included in the above list of generic claims and which do not read directly on the elected species, *also do not read on any of the unelected species*. Therefore, these claims should *not* be excluded from examination (*i.e.*, the prosecution on the merits). Specifically, each of claims 2-4, 10-13, 15, 20, 22, 26, 28, 32, 34-36, 42-45, 47, 52, 54, 58, 60 and 64, fail to read directly on *any* of the "species" identified by the Examiner in the instant Office Action. In other words, while these claims are not directly readable on the elected species, they are, in fact, indirectly readable on that species by virtue of not being readable on any of the other (contrary) species – namely, they are independent of the choice of species. Therefore, Applicant submits that these claims *should not be excluded* from a prosecution on the merits – either they should be included as claims considered readable on the elected species, or, alternatively, the species election requirement should be rescinded.

Reconsideration of the species election requirement in particular and of this application in general is respectfully requested in light of this submission. The Examiner is invited to telephone Applicant's attorney, Kenneth M. Brown, at (908) 582 – 5998, should there be any questions or issues for discussion in the reconsideration of the pending application.

Respectfully,

Cheng-Chieh Lee

By   
Kenneth M. Brown, Attorney  
Reg. No. 37590  
908 – 582 – 5998

Lucent Technologies Inc.

Date: 8/24/04